

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 18, 2002 AT 10:00 A.M.
TABLE OF CONTENTS**

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION**

- * ITEM-50: San Diego City Employees' Retirement System - Amendments Relating to Deferred Option Retirement Plan. [4](#)
- * ITEM-51: Summerwind Village Apartments Rezoning. [4](#)
- * ITEM-52: La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions. [5](#)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS**

- * ITEM-100: Bioxide Odor Control Chemical Contract Extension with U.S. Filter/Davis Process, Inc. [6](#)
- * ITEM-101: Agreement for Emergency Engineering Services, 2002-2005. [7](#)
- * ITEM-102: Award of Contract and Additional Funding for Sewer Pump Station 27. . [8](#)
- * ITEM-103: Executing a Closed Circuit Televising Inspection Services Agreement with Hirsch and Company. [10](#)
- * ITEM-104: Contribution Agreement for Improvements to Interstate 15. [12](#)
- * ITEM-105: Amendment 1 to Agreement with ADS Environmental Services for Flow Monitoring. [13](#)
- * ITEM-106: Inviting Bids and Award of Contract for Sewer Pump Station No. 21 Restoration. [14](#)
- * ITEM-107: Inviting Bids and Award of Contract for the Roadway and Water Improvements of Jamacha Road. [15](#)
- * ITEM-108: Rejecting All Bids and Re-Advertising for Mountain View Community Center. [17](#)

| | |
|---|--------------------|
| * ITEM-109: Vacation of a Drainage Easement in Lots 3 and 4 of Map 916. | 19 |
| * ITEM-110: Vacation of a General Utility Easement in Lot 6 of Map 2676. | 20 |
| * ITEM-111: Vacation of a Drainage Easement in Lot 19 of Map 1751. | 21 |
| * ITEM-112: Larry Lucchino Day. | 22 |
| * ITEM-113: Santa Clara Recreation Center 50 th Jubilee Day. | 22 |
| * ITEM-114: American Specialty Health. | 22 |
| * ITEM-115: Balboa Park Parking Project - Grant Application. | 23 |
| * ITEM-116: Ski Beach Parking and Boat Ramp Improvements. | 24 |
| * ITEM-117: Authorizing Suggestion Awards to City Employees. | 27 |
| * ITEM-118: New and Amended Fee Structure for the Food Establishment Wastewater Discharge (FEWD) Permit Program. | 27 |
| * ITEM-119: Biennial Review: Conflict of Interest Codes. | 28 |
| * ITEM-120: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. | 29 |
| * ITEM-121: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region. | 29 |
| * ITEM-122: Appointment to the Tree Advisory Board. | 30 |
| * ITEM-123: San Diego Regional Agency Act. | 30 |
| * ITEM-124: Budget Plan for the San Diego Urban Forest Proposal. | 31 |

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS

| | |
|---|--------------------|
| ITEM-200: City Heights Urban Village Parking District. | 31 |
|---|--------------------|

ADOPTION AGENDA, DISCUSSION, HEARINGS SPECIAL HEARING

| | |
|--|--------------------|
| ITEM-201: <u>Two</u> actions related to Ordinance and Resolution relating to Fiscal Year 2002 Year-End Financial Status and Budget Adjustments. | 32 |
|--|--------------------|

PUBLIC NOTICES

ITEM-250: SUBMISSION OF BALLOT PROPOSALS [33](#)

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS

ITEM-330: Amendment to Black Mountain Ranch Subarea Plan - South Village &
Street Vacation. [34](#)

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS

ITEM-331: Redevelopment Agency Proposed Fiscal Year 2003 Budget. [37](#)

ITEM-332: Citizens' Task Force on Chargers Issues. [38](#)

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 and 124.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: San Diego City Employees' Retirement System - Amendments Relating to Deferred Option Retirement Plan.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/4/2002 (Council voted 9-0):

(O-2002-140 Cor. Copy)

Amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 14 by amending Sections 24.1401, 24.1402, 24.1403, 24.1404, 24.1405, 24.1406, 24.1407, 24.1408, and 24.1409, all relating to the San Diego City Employees' Retirement System.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: Summerwind Village Apartments Rezoning.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/4/2002 (Council voted 9-0):

(O-2002-146)

Rezoning a portion of a 3.34-acres site located at Madden Avenue south of Caulfield Drive, and west of Beyer Boulevard, within the Otay Mesa/Nestor Community Plan area, in the City of San Diego, California, from the AR-1-1 zone into the RM-1-1 (Multiple-Family Residential) zone, as defined by San Diego Municipal Code section 131.0406; and repealing Ordinance No. 10862 (New Series), adopted July 29, 1972, of the ordinances of the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions.

(La Jolla Community Area. Districts-1 & 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/04/2002. (Council voted 8-0. Councilmember Inzunza not present):

(O-2002-138 Cor. Copy)

Changing a single property of 0.18 acre (7936 sq. ft.) located at 1252 Cave Street as shown on Drawing B-4170, a single property of 0.16 acre (7274 sq. ft.) located at 5779 La Jolla Boulevard as shown on Drawing B-4174, 28 properties located in the Muirlands Terrace, Unit 1 Map 2523 Por. Lots 1 and 2, Muirlands Terrace Unit 2, Map 3051 (P.M.16924) Lots 49-62, Muirlands Village Unit 1, Map 3081, subdivisions as shown on Drawing B-4184, and various City-owned properties located within the La Jolla Community Plan area, as shown on Drawing C-914 all within the La Jolla Community Plan area, from the LJ-1 Zone (Cave St.), the CC-3-5 Zone (La Jolla Blvd.), the RS-1-5 Zone (Muirlands), and zones L-SF, L-PP, L-PRF, L-CC, RS-1-1, RS-1-5, RS-1-7, RM-1-1, LJ-1, LJ-5, LJ-6 (Various City-owned properties per C-914) into the RM-3-7 Zone (Cave St.), the La Jolla Planned District LJ-4 Zone (La Jolla Blvd.), and the RS-1-4 Zone (Muirlands) as defined by San Diego Municipal Code sections 103.0301 (La Jolla Shores Planned District Ordinance), 103.1201 (La Jolla Planned District Ordinance), 131.0201 (Open Space), 131.0401 (Residential), 131.0501 (Commercial), respectively; and repealing Ordinance Nos. O-18430, adopted 09/08/97 (Cave St.); O-15342, adopted 09/22/80 (La Jolla Blvd.); O-12176, adopted 10/19/77 (Muirlands); and O-15567, adopted 08/17/81; O-7670, adopted 12/31/57; O-18168, adopted 03/20/95; O-12177, adopted 10/19/77; O-4059, adopted 05/24/49; O-13294, adopted 08/31/31; O-12176, adopted 10/19/77; O-12643, adopted 05/15/79; O-3858, adopted 09/07/48; O-16608, adopted 03/17/86; O-16627, adopted 04/21/86; and O-13455, adopted 02/15/32 (various City-owned properties per C-914), insofar as the same conflict therewith.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-100: Bioxide Odor Control Chemical Contract Extension with U.S. Filter/Davis Process, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1528)

Authorizing an estimated expenditure of \$1,399,656 from Fiscal Year 2003 funds for the purchase of Bioxide Odor Control Chemical from U.S. Filter/Davis Process, Inc., the sole provider, as may be required for a period of one year beginning July 1, 2002 through June 30, 2003, terms net thirty days including sales tax;

Authorizing an estimated expenditure of \$1,399,656 from Fund No. 41506, provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In July 2000, the Council of the City of San Diego authorized award to U.S. Filter/Davis Process, Inc. for "Bioxide" Odor Control Chemical for the period of July 1, 2000 through June 30, 2001, with an option to renew the contract for one (1) additional one (1) year period, July 1, 2001 through June 30, 2002.

The Metropolitan Wastewater Department (MWW) requests authorization to extend the sole source procurement for "Bioxide" from U.S. Filter/Davis Process, Inc. for an additional period of up to one (1) year commencing July 1, 2002 through June 30, 2003. Terms of contract extension with U.S. Filter/Davis Process, Inc. allow for termination of the contract at any time during the contract period with two (2) weeks notice. The estimated annual usage for Fiscal Year 2003 is 742,277 gallons of "Bioxide" chemical for a total annual estimated cost of \$1,399,656 including tax. U.S. Filter/Davis Process, Inc. has furnished written confirmation to continue providing the product at the current cost of \$1.75 per gallon for the entire contract extension period.

U.S. Filter/Davis Process, Inc. holds a patent on a proprietary odor control process that precluded the purchase of the "Bioxide" chemical (calcium nitrate chemical solution) for odor from any vendors other U.S. Filter/Davis Process, Inc. "Bioxide" is a chemical classified as non-hazardous which allows for its use and storage at sewer stations located in residential areas.

The one (1) year contract extension is required for sewer system odor control coverage while full-scale field testing is completed for the short-listed odor control products participating in a current Request for Information (RFI) No. 4726-02-S process. Those products which are successful in meeting the minimum requirements of the full-scale field testing criteria will compete in a Request for Bid (RFB) process. A contract will be awarded to the low-bid vendors for up to two (2) odor control products: one (1) hazardous and one (1) non-hazardous.

FISCAL IMPACT:

The \$1,399,656 is available in the Sewer fund 41506, contingent upon the approval of the Fiscal Year 2003 Operating Budget.

Belock/Balwin/PA

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-101: Agreement for Emergency Engineering Services, 2002-2005.

(See Scott Tulloch's 4/24/2002 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1694)

Authorizing the City Manager to execute an agreement not to exceed \$2,000,000 with Boyle Engineering Corporation, for Emergency Engineering Services for 2002-2005, together with any reasonably necessary modifications or amendments which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund 41506.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/1/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

MWWD is aggressively pursuing a program to reduce the number of sewer spills. As part of this program, MWWD has a plan to clean and televise all of our sewer mains. As a result of this program and during routine maintenance activities, critical projects and emergency repairs have been identified. In order to quickly address these needs, this contract for professional Engineering Services is needed to provide for the design of emergency repair projects for pipelines, manholes, pump stations and other wastewater facilities. Due to the unpredictable number of emergency projects, this contract will provide resources to supplement City Staff who are working on planned capital improvements projects.

This contract has a total value of \$2,000,000 and a contact duration of three years. All work will be authorized on a task order basis.

A Request for Proposal was advertised on November 15, 2001. Nine proposals were received, and a selection committee was convened, in compliance with City Council Policy 300-7. Five companies were short listed and interviewed. Boyle Engineering was determined to be the most qualified firm.

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, Boyle has retained the following subconsultants as members of their engineering consultant team in connection with this contract:

Certified Subconsultants

OBE - Geocon Incorporated

MBE (CT) - Tran Consulting

WBE (CT) - Lintvedt/McColl & Associates

Due to the nature of this contract, the percentage utilization of MBE/WBE subconsultants is dependent upon the tasks authorized by the City and the type of work required by those tasks.

FISCAL IMPACT:

The total consultant agreement maximum value is \$2,000,000. Funds are available in Sewer Fund No. 41506.

Mendes/Tulloch/AS

Aud. Cert. 2201164.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-102: Award of Contract and Additional Funding for Sewer Pump Station 27.

(See Frank Belock, Jr.'s 5/2/2002 memo. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1735)

Authorizing the City Manager to award and execute a contract with AES Construction Group for the restoration of Sewer Pump Station 27 in an amount not to exceed \$3,182,800;

Approving Fiscal Year 2002 Phase I of the Project in the amount of \$412,942;

Authorizing the additional expenditure of an amount not to exceed \$1,211,298 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for such expenditures under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station 27 is located in Laureate Park at 2211 Avenida de la Playa between El Paseo and El Paseo del Ocaso in the La Jolla community area. This project was presented to various community planning groups in La Jolla after each milestone of the design. This pump station was constructed in 1972 and does not meet current City standards. The project's goal is to restore and improve the reliability of the pump station and bring it up to current City standards and regulations. It consists of rehabilitation of the existing underground pump station (new pumps, motors, piping, switchboard, wiring, panel, and telemetry), construction of an emergency structure to house a back-up generator, an emergency storage tank, and a new secondary force main of approximately 380 feet. During construction, a screened fence will be erected around the park to secure the work area. A traffic control plan will be set up during the construction phase to insure the safety of the residents, pedestrians, and businesses in the area. Working hours will be between 8:30 a.m. and 3:30 p.m., Monday through Friday. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital

Projects Department and again ten (10) days before construction begins by the contractor through hand distribution.

The advertising of this project was approved by the City Council on September 24, 2001. Bids were opened on February 19, 2002. There were twenty (20) bid packages issued and two (2) bid packages received. AES Construction is the lowest bidder with a bidding amount of \$3,182,800 which is higher than the engineer's estimate. Contractors who did not bid were contacted, and it was determined that readvertising would not likely result in lower bids. Council action is requested to provide additional funding for the project.

FISCAL IMPACT:

The total cost of this project is \$4,214,959. Authorizing an additional expenditure of \$1,211,298 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration. This project is scheduled to be phase funded over FY2002 to FY2003. Funding for Phase I (FY2002) is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, in the amount of \$412,942 for this purpose.

Ewell/Belock/HR

Aud. Cert. 2201175.

WWF-02-602.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-103: Executing a Closed Circuit Televising Inspection Services Agreement with Hirsch and Company.

(See Memorandum from Frank Belock, Jr. dated 5/2/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1658)

Authorizing the City Manager to execute an agreement with Hirsch & Company for Closed Circuit Televising Inspection Services for the Engineering and Capital Projects Department, in an amount not to exceed \$500,000;

Authorizing the expenditure of an amount not to exceed \$500,000 from Sewer

Fund 41506;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4-0 to approve the project. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego had placed advertisements in diverse publications requesting a qualified design consultant to provide Closed Circuit Televising Inspection Services. The advertisement had been placed in the San Diego Daily Transcript, Public Record Reporter, Asian Journal, La Prensa San Diego, Integrated Marketing Systems, and the City of San Diego Web Page/Public Notice.

Four consulting engineering firms responded to the advertisement. The consulting engineering firms will provide Closed Circuit Televising Inspection Services. In conformance with Council Policy 300-7, these firms were interviewed and the firm of Hirsch & Company was selected as one of the two best qualified firms to provide two years of consultant services. The negotiated agreement with the second consultant will be presented with a separate Council action.

The services will include all associated work to prepare a complete closed circuit televising reports of existing sewer mains and trunk sewers at various locations within the City of San Diego area. These services will supplement the televising information originally provided by MWWD from the overall assessment of the sewer system. This work will be performed during the planning and design phases of the sewer group jobs in order to provide additional information to determine the appropriate construction method. The services are required for meeting the anticipated planning and design needs for the ongoing sewer replacement program. The sub-consultants on this project are Affordable Drain Services, Innerline Engineering, Inc., Advanced Infrastructure System, LKS & Associates, and Cecilia's Safety Services, Inc. The agreement provides for Closed Circuit Televising Inspection Services by task on an hourly basis not to exceed \$25,000 per task. The total contract cost will not exceed \$500,000 for a period of two (2) years from the date of execution by the City.

FISCAL IMPACT:

The total estimated cost of this agreement is \$500,000. Funding of \$500,000 is available from Sewer Fund 41506 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201147.

WWF-02-596.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-104: Contribution Agreement for Improvements to Interstate 15.

(Mira Mesa and Scripps Ranch Community Areas. Districts-5 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1733)

Authorizing the City Manager to execute a Cooperative Agreement with the State Department of Transportation (Caltrans), for improvements to Interstate 15 from Miramar Way to Mira Mesa Boulevard.

CITY MANAGER SUPPORTING INFORMATION:

Caltrans is preparing to construct a series of operational improvements on Interstate 15 between Miramar Way and Mira Mesa Boulevard. These improvements include ramp widening, intersection improvements at interchanges, and the construction of auxiliary lanes.

As part of the Rancho Encantada development, McMillin Companies has agreed to contribute \$3,000,000 toward the cost of these improvements. McMillin contribution will be made upon recording of the first final map for Rancho Encantada.

This Contribution Agreement between the City and Caltrans confirms the City's commitment to serve as a "pass-through" agency for McMillin's \$3,000,000 contribution toward the Caltrans project.

This agreement needs to be entered into prior to receipt of the contribution from McMillin due to an impending Caltrans deadline for construction bid openings.

A separate Council action to accept, appropriate, and expend the funds will be required at a later date.

Loveland/Gonzalez/AH

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-105: Amendment 1 to Agreement with ADS Environmental Services for Flow Monitoring.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1634)

Authorizing Amendment No. 1 to the Agreement with ADS Environmental Services, Inc., for the purchase and installation of wastewater flow monitor equipment and software, and related maintenance/repair services for an amount not to exceed \$2,193,285;

Authorizing the expenditure of an amount not to exceed \$589,728 from Fund 41506; \$20,316 from Fund 41508, and \$391,649 from Fund 41509, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$592,016 from Fund 41506; \$40,628 from Fund 41508, and \$558,948 from Fund 41509 for Fiscal Year 2003 funding of Amendment No. 1, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury, and contingent on approval of the Fiscal Year 2003 Operating Budget for the Metropolitan Wastewater Department.

CITY MANAGER SUPPORTING INFORMATION:

ADS Environmental Services has been providing sewage flow monitoring equipment, maintenance and repair services to the City of San Diego since 1988. There are currently 128 permanent ADS sewage flow monitoring installations in San Diego's network. The Regional Wastewater Disposal Agreement requires the City to meter Participating Agency and City sewage flows for strength based billings.

The current three-year ADS agreement signed on June 30, 1998 allowed for a two-year extension. The agreement was initially administered by San Diego Data Processing Corporation for Metropolitan Wastewater Department (MWWD). An Assignment Agreement was entered into one year later to transfer the administration and all obligations of the agreement to MWWD.

In March 2000, work on the Flow Monitoring Alarm System (FMAS) was started and then turned over to MWWD in April 2001. FMAS (or Intelliscan) uses the ADS meters and a specialized software product that, by detecting anomalies in sewer flows, provides an early warning system against sewer spills.

This request is to amend the agreement to extend it through June 30, 2003. Additionally, it will provide ongoing support and maintenance for the Flow Monitoring Alarm System (FMAS).

FISCAL IMPACT:

For Fiscal Year 2002 funds are available in Funds 41506, 41508 and 41509. Funds for Fiscal Year 2003 are contingent upon approval of the FY03 Operating Budget for MWWD.

Mendes/Tulloch/MXS

Aud. Cert. 2201114.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Inviting Bids and Award of Contract for Sewer Pump Station No. 21 Restoration.

(See Frank Belock, Jr.'s 3/25/2002 memo. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1583)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Rehabilitation of Pump Station 21 on Work Order No. 175541;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder;

Authorizing the expenditure of \$2,149,260 from Sewer Fund 41506, CIP-46-106.0, Sewer Pump Station Restoration, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02228C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/3/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station No. 21 is located on the beach, adjacent to the intersection of Neptune Place and Gravilla Street in the La Jolla community. This project was presented to the community during design. The pump station was constructed in 1950 and has exceeded its service life. The project's goal is to restore and improve the reliability of the pump station and bring it up to current City standards and regulations. It consists of rehabilitation of the existing pump station, replacement of the existing force main, and installation of a new secondary force main of approximately 4,300 feet long and relocation of the emergency generator inside the pump station. During construction, the contractor will be required to provide traffic control plans for the project to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval. During the construction phase of the project, the contractor will be working between 8:30 a.m. and 3:30 p.m., Monday to Friday. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$2,359,982. Funds of \$2,149,260 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations, for this purpose. This project is scheduled to be phase-funded in FY2003.

Loveland/Belock/HR

WWF-02-580.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Inviting Bids and Award of Contract for the Roadway and Water Improvements of Jamacha Road.

(Skyline-Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1581)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Roadway and Water Improvements of Jamacha Road on Work Order No. 525091/186651;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller, upon direction from the City Manager, to allocate the funding sources for TransNet funds between TransNet Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and minimize the use of Commercial Paper funding for CIP-52-509.0;

Authorizing the use of City Forces on the Project in an amount not to exceed \$123,692 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the City Auditor and Comptroller to reprogram \$300,000 in TransNet Fund 30306, from CIP-52-654.0, Lisbon Street Widening, to CIP-52-509.0, Jamacha Road Improvement;

Authorizing the expenditure of an amount not to exceed \$608,573 from Jamacha Road Improvement, CIP-52-509.0, TransNet Fund and an amount not to exceed \$757,667 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for a total of \$1,366,240, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02227C)

Subitem-B: (R-2002-1582)

Certifying that the information contained in Negative Declaration No. 95-0207 has been reviewed and considered by Council and that no additional environmental review is warranted;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk

of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

On June 12, 1997, the City Manager Approval authorized the construction of the Jamacha Road /Lisbon Street-217' East of 71st Street to Cardiff Street project (CIP-52-509.0) to improve the road conditions to current standards. However, during the construction it was discovered that the linear footage of retaining walls and the related excavation materials for the construction of proposed driveways were underestimated beyond the original approved budget. In order to complete the most critical portions of the work, the Project was divided into two phases. Phase one included improvement from 217 feet east of 71st Street to Jamacha Road. This phase of the work was completed in July of 1998. The construction of Phase Two, (The Improvement of Jamacha Road from Meadowbrook Drive to Cardiff Road) was postponed until the necessary funding could be identified.

This action will provide for the construction of Phase Two in accordance with the community plan by upgrading the roadway, storm drain facilities, new curb, gutter, sidewalk, pedestrian ramps, bus pads, retaining walls and residential driveways.

In addition, the Water Department is planning to work in the same area to replace deteriorated water mains, fire hydrants, gate valves and requested the work be included in this project to eliminate future disturbance of the new road.

This action will provide for all remaining working, including replacement of the water mains.

FISCAL IMPACT:

The total estimated cost of this project is \$1,366,240. Funding for this action in the amount of \$608,573 is available from Fund 30306, CIP-52-509.0, Jamacha Road Improvement and \$757,667 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. In an effort to defer the issuance of commercial paper, available cash in the amount of \$608,573 will be identified through our cash management process. No expenditures are anticipated to be incurred against commercial paper at this time.

Loveland/Belock/PKB

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-108: Rejecting All Bids and Re-Advertising for Mountain View Community Center.

(Mountain View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1579)

Rejecting all bids received on December 7, 2001, pursuant to publication of notice calling for bids on Mountain View Community Center;

Amending the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Mountain View Community Center on Work Order No. 298330;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller to transfer \$1,000,000 from Martin Luther King, Jr. Senior Center, CIP-29-479.0, CDBG Fund No. 18533 (\$433,769), CDBG Fund No. 18534 (\$115,000), CDBG Fund No. 18535 (\$125,055), CDBG Fund No. 18536 (\$285,000) and CDBG Fund No. 18537 (\$41,176), to CIP-29-833.0, Mountain View Community Center;

Authorizing the increase of \$1,000,000 to FY2002 Capital Improvement Program Budget for CIP-29-833.0;

Authorizing the expenditure of \$1,300,000 from CIP-29-833.0, Mountain View Community Center, to augment previously authorized funds; and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01034CB)

CITY MANAGER SUPPORTING INFORMATION:

On December 7, 2001, bids were opened for the construction of Mountain View Community Center. Of the four bids received the first and second lowest bidders were declared as non-responsive, the next lowest bid of \$4,373,393 was 61 % higher than the engineer's estimated \$2,710,140. However, with the low bid, the original project funding authorization has been exceeded, and additional funding will be necessary. Staff has worked with the design consultant to better clarify the design of the proposed facility in addition to working with the Council Office to identify new funding to augment the previous budget. By re-advertising, staff feels the project may bid more competitively.

The proposed Mountain View Community Center site is located along the east side of Boundary Street between T Street and Ocean View Boulevard. The approximately three (3) acre site will support a 18,000 square foot community center which includes gymnasium, dance studio, activity

rooms, and computer facility. Previous Council actions have authorized a cumulative funding transfer to the CIP-29-833.0 of \$4,331,250. This action will allow the project to be phased in accordance with anticipated future State of California per Capita Bond funding revenue designated for the project. The construction will be phased commensurate with the anticipated future cash flow. This project is consistent with the Southeastern San Diego Community Plan and the City's General Plan Guidelines.

FISCAL IMPACT:

The total estimated project cost is \$5,631,250. Of this amount, \$4,331,250 has been previously authorized for CIP-29-833.0 by the City Council. Resolution R-290947, adopted November 10, 1998, authorized \$263,500 in Fund 18514, Housing and Urban Development Section 108 Loan (Southeastern Economic Development Corporation); Resolution R-294369, adopted December 11, 2000, authorized \$3,167,750 from Fund 18514 and \$140,000 in Development Impact Fees; Resolution R-295596, adopted October 22, 2001, authorized \$760,000 from Fund 38131, 2000 Park Bond Roberti-Z'Berg Harris per Capita Fund.

Since that time \$300,000 was allocated to CIP-29-833.0 in additional Development Impact Fees in FY2002 Budget. This request is to transfer \$1,000,000 from CIP-29-479.0, Martin Luther King, Jr. Senior Center in Community Development Block Grant Funds 18533, 18534, 18535, 18536 and 18537. If approved this request will authorize an additional \$1,300,000 for the re-advertisement of construction of Mountain View Community Center.

Loveland/Belock/AO

Aud. Cert. 2201103.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Vacation of a Drainage Easement in Lots 3 and 4 of Map 916.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1647)

Vacating the drainage easement located within Lots 3 and 4 of Map No. 916, to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways

Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in Lots 3 and 4 of Map 916. This property is located in the Pacific Beach Planning area within Council District (2). The drainage pipe that would use the easement has been relocated and therefore is no longer a need for the easement. No rights are granted to the public by the easement and the abandonment of this easement will relieve the City of the responsibility to maintain the easement area. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None. All costs paid for by the applicant.

Ewell/Broughton/AEA

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-110: Vacation of a General Utility Easement in Lot 6 of Map 2676.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1664)

Vacating the general utility easement located in Lot 6 of Map No. 2676, to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an unnamed easement which is presumed to be a general utility easement in Lot 6 of Map No. 2676. This property is located in the La Jolla Planning area within Council District (1). This easement has been in existence for more than 50 years and there are no existing or planned utility improvements within the easement area. The

applicant wants to use the easement area and requests the City to vacate the easement. The easement is on private property and no rights are granted to the public. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None. All costs paid for by the applicant.

Ewell/Broughton/AEA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Vacation of a Drainage Easement in Lot 19 of Map 1751.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1649)

Vacating the drainage easement located within Lot 19 of Map No. 1751, to unencumber this property under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in Lot 19 of Map No. 1751. This property is located in the College Area Planning area within Council District (7). There are no existing or planned utility improvements within the easement area. The applicant has requested a grading and building permit for the property, but the final approval of the project requires that easement be vacated. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

FISCAL IMPACT:

None. All costs paid for by the applicant.

Ewell/Broughton/AEA

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-112: Larry Lucchino Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1706)

Proclaiming June 19, 2002, to be "Larry Lucchino Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-113: Santa Clara Recreation Center 50th Jubilee Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1723)

Honoring the Santa Clara Recreation Center for its outstanding commitment to community service;

Proclaiming June 8, 2002, to be "Santa Clara Recreation Center 50th Jubilee Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-114: American Specialty Health.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1666)

Proclaiming Saturday, May 25, 2002, to be “American Specialty Health Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-115: Balboa Park Parking Project - Grant Application.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1719)

Authorizing the City Manager to apply to the California Department of Parks and Recreation for a grant for funding from the California Natural Resources Infrastructure Fund for the Balboa Park Parking Project;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from the California Department of Parks and Recreation for the Balboa Park Parking Project, including entering into a grant funding agreement for the project;

Authorizing the Auditor and Comptroller to establish a special interest-bearing fund for the grant (Fund No. 38190), if secured;

Authorizing the Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvement Program Budget to add CIP-21-859.0, Balboa Parking Project, in the amount of \$975,000 from Fund No. 38190;

Certifying that the Council has reviewed, understands, and agrees to the terms of the grant, as set forth in the General Provisions contained in the Contract shown in the Procedural Guide for the California Natural Resources Infrastructure Fund; including that the City has or will have sufficient funds to operate and maintain the project;

Authorizing the City Manager to expend the grant funds in the amount of \$975,000 for CIP-21-859.0, Balboa Park Parking Project (Fund 38190).

CITY MANAGER SUPPORTING INFORMATION:

In November 2001, the State of California allocated \$975,000 from the Natural Resources Infrastructure Fund for the Balboa Park Parking Project. On January 26, 2002, Mayor Dick Murphy and Councilmember Toni Atkins accepted a ceremonial check for \$975,000 from Lynn Schenck, representing Governor Gray Davis.

This action authorizes the Manager to take all necessary actions to secure the \$975,000 grant from the State of California. The funding will be used to complete a traffic and land use study; to complete preliminary design work, including an environmental assessment; and to prepare cost estimates. Additional funding will need to be identified for the final design and construction of this project.

FISCAL IMPACT:

This grant provides the City with \$975,000 to begin preliminary work on the Balboa Park Parking Project. Additional funding will need to be identified for the final design and construction of this project.

Herring/CAW

Aud. Cert. 2201158.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-116: Ski Beach Parking and Boat Ramp Improvements.

(Mission Bay Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1576)

Authorizing the City Manager to make application for a grant in the amount of \$130,000 to the State of California for Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000, Per Capita funding for the Boat Dock Project;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to, applications, agreements, amendments, and payment requests to complete the Boat Dock Project pending the receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to appropriate and expend funds to establish a special interest-bearing fund for the grant;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the CIP budget by increasing the appropriation of CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements, by \$130,000;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed agreement, to transfer an amount not to exceed \$130,000 of State of California Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 Per Capita funding, Fund 38191, to CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements;

Authorizing the expenditure of an amount not to exceed \$130,000 from CIP-21-857.3 Ski Beach Parking and Boat Ramp Improvements, solely and exclusively for the purpose of design and construction of the Boat Dock Project, and related engineering costs, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$176,000 from Parks and Recreation Grant Matching Funding, CIP-20-013.0 to CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements;

Authorizing the City Auditor and Comptroller to amend the CIP budget by increasing the appropriation of CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements, by \$176,000;

Authorizing the expenditure of an amount not to exceed \$176,000 from CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements, solely and exclusively for the purpose of construction of this Project and related engineering costs.

Subitem-B: (R-2002-1337)

Stating for the record that the Council has reviewed and considered a final Mitigated Negative Declaration prior to approving the Ski Beach Parking and Boat Ramp Improvements Project [LDR No. 96-7561, September 7, 1997];

Stating for the record that the environmental evaluation of the accessibility improvements to the boat dock and gangway portion of the Ski Beach Parking and Boat Ramp Improvements Project was conducted separate from the Ski Beach Boat and Ramp portion of the Project, and these improvements are exempt from CEQA Guidelines (Categorical Exemptions).

Directing the City Clerk to file the Notice of Determination associated with that Mitigated Negative Declaration.

CITY MANAGER SUPPORTING INFORMATION:

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager or his representative to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 [Park Bond]. The City Manager has secured the Park Bond grant funding and has entered into a Grant Contract for Park Bond Per Capita Funds, and a Grant Contract for Roberti-Z'berg-Harris Per Capita Funds with the State of California. In addition, the City Manager will enter into a subcontract with the State of California specifying the use of \$130,000 for accessible improvements to the Ski Beach Boat Dock. This action authorizes the City Manager or his representative to move Park Bond funding into the Capital Improvement Project for Ski Beach Parking and Boat Ramp Improvements project, CIP-21-857.3, and enter into the subcontract above.

The project is located on Vacation Isle, east of Ingraham Street in Mission Bay Regional Park. The proposed project includes removing and replacing the existing 4-lane boat ramp, improvements to the boat trailer parking lot, lighting and landscaping. Other improvements include a bicycle/walkway around the northern point of Ski Beach. In addition, the boat dock north of the boat ramp will be made accessible, to comply with ADA accessibility requirements. The design of the boat dock will be presented to SCRAB committee for their review, once the construction document is available.

This project is in accordance with the Mission Bay Park Master Plan.

FISCAL IMPACT:

The estimated cost for this project is \$1,567,011. Funds are available in CIP-21-857.3, Ski Beach Parking and Boat Ramp Improvements project, Fund No. 102244, (\$1,261,011 of which \$521,000 will be funded by a grant from the California Department of Boating and Waterways), CIP-20-013.0, Park & Recreation Grant Match Funding, (\$176,000) and Fund No. 38191, 2000 Park Bond funds (\$130,000, upon receipt of a fully executed grant agreement) for this purpose.

Loveland/Belock/AO

Aud. Cert. 2201099.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-117: Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions authorizing suggestion awards to employees:

Subitem-A: (R-2002-1682)

Adrian G. Hill - Metropolitan Wastewater Department \$2,500.

Subitem-B: (R-2002-1683)

Ramon Portilla - Transportation Department \$219.36

Subitem-C: (R-2002-1684)

Enrico Layug - Metropolitan Wastewater Department \$1,880.24

CITY MANAGER SUPPORTING INFORMATION:

Suggestions Awards as follows:

1. Ramon Portilla - Transportation - \$219.36 - Suggestion to create a tool that would remove tree roots to minimize the possibility of injury and exposure to staff in confined space.
2. Adrian Hill - Metropolitan Wastewater - \$2,500 - Suggestion to take Odor Towers out of operation at the North City Water Reclamation Plant since very little hydrogen sulfide is being produced and removed.
3. Enrico Layug - Metropolitan Wastewater \$1,880.24 - Suggestion to modify the shaft tube attached to the stuffing box on the axial mixing pump for the digester at MWWD.

Miller

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-118: New and Amended Fee Structure for the Food Establishment Wastewater Discharge (FEWD) Permit Program.

(See City Manager Report CMR-02-123.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1633)

Authorizing the City Manager to initiate a revised Food Establishment Wastewater Discharge (FEWD) Permit Program permit violation fee structure as set forth in the City Manager Report CMR-02-123, to commence on July 1, 2002;

Directing the City Manager to communicate in writing to existing FEWD Permit Program permit holders regarding the revised fee structure at least thirty calendar days prior to implementation.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-119: Biennial Review: Conflict of Interest Codes.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1676)

Directing all local agencies, for which the City Council serves as code-reviewing body and for which Conflict of Interest Codes have been previously adopted, to review all existing Codes and determine whether their Codes should be amended;

Directing each City department, agency, board and commission subject to a Code, to review its Code and provide to the City Clerk by August 9, 2002, either a written statement that no amendment is required, or an amended Code for the City Council's approval.

SUPPORTING INFORMATION:

Government Code Section 87306.5 states that, no later than July 1 of each even-numbered year, "code reviewing bodies" are required to direct each local agency, under their jurisdiction, which has previously adopted a conflict of interest code [Code] to review that agency's Code. Under this law, the term "local agencies" includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission), for whom the City Council serves as code reviewing body.

Government Code Section 87306.5 also requires local agencies to submit a biennial report identifying changes in their Code, or a statement that their Code is not in need of an amendment. The biennial reports are submitted to the applicable code reviewing body.

Following receipt of either the biennial report identifying Code changes, or a statement that no amendment is needed, from each local agency, the Clerk will prepare a report summarizing the submittals. Revised conflict of interest codes will then be submitted to the City Council for approval.

Abdelnour/Fishkin/RR

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-120: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1732)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-121: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-908)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-122: Appointment to the Tree Advisory Board.

(See memorandum from Mayor Murphy dated June 10, 2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1767)

Council confirmation of the appointment by the Mayor of Daniel Aaron Simpson to serve as a member of the Tree Advisory Board, for a term ending December 31, 2003, in the certified Arborist category, to replace Floyd O'Quinn, who has resigned.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-123: San Diego Regional Agency Act.

(See memorandum from Andrew Poat dated 5/28/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1746)

Amending the City of San Diego's position on AB 2095 from SUPPORT IF AMENDED to SUPPORT, at such time as the Department of Governmental Relations finds that the provisions of the May 24 SANDAG compromise have been amended into the legislation, as described in Governmental Relations Department's May 28, 2002 report.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S

RECOMMENDATION:

On 6/05/2002, RULES voted 5-0 to approve Governmental Relations Department's recommendation. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-124: Budget Plan for the San Diego Urban Forest Proposal.

(See City Manager Report CMR-02-133; memorandum from City Attorney dated 5/30/2002; and letter from Holly Duncan dated 5/31/2002.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1752)

Accepting City Manager Report CMR-02-133, dated May 31, 2002, concerning the Budget Plan for the Urban Forestry Program. The Council further accepts the City Manager's list of potential actions and refers to the FY 2003 budget deliberations those elements that require City Council action.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 6/05/2002, RULES voted 5-0 to approve the City Manager's recommendation. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-200: City Heights Urban Village Parking District.

(See City Manager Report CMR-02-137. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-804 Cor. Copy)

Declaring that the Non-Residential Parking District of approximately 105 spaces, approved by Resolution R-294163, is reduced by 29 spaces for a total of 76 spaces;

Authorizing the City Manager to execute an Amended Operating Agreement, and take all steps necessary to implement the Amended Operating Agreement;

Approving the City Heights Urban Village Parking Study and relating parking recommendations.

NOTE: See the Redevelopment Agency Agenda of June 18, 2002 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARING:

ITEM-201: Two actions related to Ordinance and Resolution relating to Fiscal Year 2002 Year-End Financial Status and Budget Adjustments.

CITY MANAGER'S RECOMMENDATION:

Hold the first public hearing of the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2002-139)

First public hearing in the matter of an Ordinance amending Ordinance No. O-18964 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2001-2002 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. OO-18964, as amended, and adopted therein, by authorizing certain year-end budget adjustments including making additional appropriations and transfers that may be necessary to balance fund carryovers and expenditures/appropriations for Fiscal Year 2002.

NOTE: Today's action is the first public hearing. The second public hearing and introduction and adoption of the Ordinance will be on June 24, 2002.

Subitem-B: (R-2002-1553)

Adopting Fiscal Year 2002 year-end financial status and budget adjustments.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

| <u>DAY</u> | <u>DATE</u> | <u>DAYS BEFORE ELECTION</u> | <u>EVENT</u> |
|------------|--------------------|-------------------------------------|--|
| Friday | 5/24/02 | 165 | Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee |
| Wednesday | 6/05/02 | 153 | Rules Committee review of ballot proposals |
| Monday | 6/17/02 | 141 | Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee |
| Monday | 6/24/02 | 134 | Council adopts propositions for ballot; directs City Attorney to prepare ordinances |
| Monday | Through 7/22/02 | to 106 | |
| Monday | 7/29/02 | 99 | Council adopts ordinances prepared by City Attorney |
| Friday | 8/09/02 | 88 | Last day for City Clerk to file with Registrar of Voters all elections material |
| Thursday | 8/22/02 | 75 | Last day to file ballot arguments with City Clerk |

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Amendment to Black Mountain Ranch Subarea Plan - South Village & Street Vacation.

Matter of approving, conditionally approving, modifying, or denying an amendment to the Black Mountain Ranch Subarea Plan. The plan amendment applies to approximately 20 acres of the non-phase shifted (Future Urbanizing) area of the Black Mountain Ranch South Village. The proposed amendment would decrease the area of a property owner association (POA) lot which is designated as a utility use in the land use plan (currently identified for storage of maintenance equipment) and designate the remainder for expansion of adjacent residential and institutional uses. In order to implement the plan amendment, the City Council will also have to approve a vacation of the northernmost portion of Camino de la Luna, an unimproved street.

(PG&GP/SV-41-1021. Black Mountain Ranch Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, B, and C:

Subitem-A: (R-2002-1685)

Adoption of a Resolution amending the Black Mountain Ranch Subarea Plan;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-B: (R-2002-1686 Cor. Copy)

Adoption of a Resolution certifying that the street vacation, as more particularly shown on Drawing No. 19743-B, and described in the legal description marked as Exhibits "A," and "B," is ordered vacated;

That the City Clerk shall cause a certified copy of this Resolution, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-C: (R-2002-1729)

Adoption of a Resolution certifying that the information contained in the final documents, including any comments received during the public review process, have been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the application to initiate amendments to the Progress Guide and General Plan and the Black Mountain Ranch Subarea Plan that would redesign the portion of the South Village regulated by VTM 95-0173 resulting in a redistribution of landuses, a modification to the local circulation system, and an increase in residential units within the South Village;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on April 4, 2002, voted 6 - 0 to approve; no opposition.

Ayes: Butler, Brown, Anderson, Lettieri, Schultz, Garcia

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

The Black Mountain Ranch Subarea Plan was approved in 1998. This Black Mountain Ranch Subarea Plan Amendment applies to approximately 20 acres of the Subarea and is generally located west of Camino Ruiz in the southwestern portion of the Subarea. The proposed Land Use Plan amendment would decrease the area of a utility use and increase the area of residential and institutional uses. The Planning Commission initiated the Plan amendment on December 20, 2001 and on April 4, 2002, recommended that the City Council approve this Land Use Plan amendment.

The proposed amendment would have no adverse impacts on the community. The reconfigured land uses and increased residential and institutional acreage would result in normal daily traffic volumes and provide additional residential density and affordability without adversely affecting pedestrian or vehicular circulation. The residential area would be developed as a mixed income project comprised of 50 market rate and 70 affordable housing units consistent with the South Village Community Design Guidelines, neo-traditional town planning concepts, and the Design Review Guidelines for Black Mountain Ranch. Potential adjacency issues associated with the future utility use would be reviewed as part of a future substantial conformance review of the use. Overall, the proposed plan amendment would strengthen the South Village as the focus for the southern portion of the Subarea and provide needed affordable housing consistent with the intent of the Subarea Plan and the Progress Guide and General Plan.

City Council action is also requested to vacate a portion of Camino de la Luna. The vacation is necessary to implement the proposed Land Use Plan amendment. The street is unimproved and the proposed Land Use Plan amendment eliminates the need for the northernmost portion of the street.

Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made.

1. There is no prospective use for the right-of-way, either for the uses for which it was originally acquired or for any public use of a like nature since the reconfiguration of land uses in the Black Mountain Subarea Plan eliminates the need for this portion of Camino de la Luna.
2. The public will benefit from the action through improved utilization of land for residential and institutional uses made possible by the street vacation.
3. The vacation is not inconsistent with the Progress Guide and General Plan or the Black Mountain Ranch Subarea Plan in that the plans are proposed to be amended in a manner that necessitates the street vacation.
4. The facility for which the right-of-way was originally acquired will not be detrimentally affected by the street vacation. This is the northernmost portion of Camino de la Luna and there was no proposed extension of the street to the north. The utility, residential, and institutional uses, as reconfigured by proposed Black Mountain Ranch Land Use Plan amendment, would gain access from the adjacent Camino de la Fiesta. The necessary utilities will be provided via existing adjacent rights-of-way.

FISCAL IMPACT: None. All costs paid by applicant.

Ewell/Goldberg/DPJ

LEGAL DESCRIPTION:

The project area includes portions of La Zanja Canyon, La Jolla Valley, Lusardi Creek, the San Dieguito River Valley Regional Open Space Park Focused Planning Area, the unimproved portion of Black Mountain Road, and the Second San Diego Aqueduct and is more particularly described as Portions of Sections 4, 5 and 6, Township 14 South, Range 2 West; Portions of Sections 1 and 2, Township 13 South, Range 3 West; Portions of Sections 30, 31, 32 and 33, Township 13 South, Range 2 West; and Portions of Sections 25, 35 and 36, Township 13 South, Range 3 West; Del Mar, Escondido, Poway, Rancho Santa Fe Quadrangles; SBBM.

ENVIRONMENTAL IMPACT:

The City of San Diego as Lead Agency under CEQA has reviewed and considered two EIRs, LDR File No. 95-0173, dated September 20, 1995, covering this activity, adopted October 31, 1995, by Resolution R-286501; and LDR File No. 96-7902, dated June 25, 1998, covering this

activity, adopted July 28, 1998 by Resolution R-290524. The street vacation is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

COMMENTS:

The street vacation is processed under the California Public Streets and Service Easements Vacation Law and qualifies for Summary proceedings under 8334(a).

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-331: Redevelopment Agency Proposed Fiscal Year 2003 Budget.

(Continued from the meetings of May 21, 2002, Item S504, and June 4, 2002, Item 330, at the request of Mayor Murphy, due to lack of time.)

(See City Manager Report RA-02-08/CMR-02-110.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1620)

Accepting a loan repayment from the Redevelopment Agency in the amount of \$2,221,459 from the Mount Hope Redevelopment Project Area;

Authorizing the transfer of \$2,221,459 from the City of San Diego as an interest bearing loan to the Redevelopment Agency to be used in the proposed Fiscal Year 2003 project budget to augment the Central Imperial Redevelopment Project Area in the amount of \$1,241,459 and to augment the Southcrest Redevelopment Project Area in the amount of \$980,000;

Directing the City Auditor to record the \$2,221,459 as an interest-bearing loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues;

Authorizing the reprogramming of Community Development Block Grant Funds (CDBG) previously authorized for the Central Imperial Fund 98779/98779 (18536) in the amount of \$769,374 to augment Central Imperial (General) Fund 98770;

Authorizing the reprogramming of CDBG Funds previously authorized for the

Southcrest Redevelopment Project Area Fund 98335 in the amount of \$445,000 to the Southcrest Redevelopment Project Area Fund 98330/97171.

NOTE: See the Redevelopment Agency Agenda of 6/18/2002 for a companion item.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-332: Citizens' Task Force on Chargers Issues.

(See memorandum from Mayor Murphy dated June 7, 2002.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1755)

Establishing the Citizens' Task Force on Chargers Issues, pursuant to City Charter section 43 (b), on the terms and conditions, and with the mission statement set forth in Mayor Murphy's memorandum dated June 7, 2002;

Directing the City Manager and City Attorney to assign the necessary resources, including consultants, to assist in the efforts of the Citizens' Task Force on Chargers Issues, within the limits of the City Manager's contractual authority.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT